IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.2172 OF 2007

Dr. Bhikamsing Dongarsing Rajput .. Petitioner
v/s.
The State of Maharashtra and others .. Respondents

Mr. Vinod Joshi for the petitioner.
Mr. V.P. Malwankar, Gov Pleader for the respondent Nos.1 and 2.
Mr. N.V. Bandiwadekar for the respondent No.4.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.

DATED : 2ND APRIL, 2007

P.C.

The petitioner was working as District Animal Husbandry Officer, Zilla Parishad, Nashik since 4.5.2005. He was transferred by the order dated 20th October, 2006. He challenged the said transfer order. The order of status-quo was granted. During the course of the hearing, the State Government expressed its willingness to reconsider the issue and take a decision. This was on 20.11.2006. Thereafter, fresh order came to be passed on 4.12.2006 transferring the petitioner and posting respondent No.4. This order was also challenged. The main ground of challenge was that the same was done without consultation as required by the provisions of the Maharashtra Regulation of Transfers and Prevention of Delay in Performing Government Duties Act, 2005. Dealing with the issue of non-consultation, the Tribunal in para 15 has noted that the Secretary Incharge had approved the transfer. The same was agreed to by the Minister Incharge as also by the Hon'ble Chief Minister. In other

words, the requirements of consultation have been completed. Once that is the case, in the absence of petitioner proving malafides, this court will not interfere in its extraordinary jurisdiction. The reasons given for transfer are alleged complaints against the petitioner which were enquired into. The contention of the petitioner is that in respect of one of the complaints, the Auditor General and Controller General has held that not to be valid.

2. Considering the complaints which were enquired by the department concerned, in our opinion, this would not be a fit case to interfere in our extraordinary jurisdiction. Hence the petition is rejected.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)